

REMARKS

Applicants amend claims 1, 2, 6, 7 and 11, and add new claim 13. No new matter is added. Support for the amendments to the claims can be found throughout the specification, Figures and claims as originally filed, and specifically at Page 4, lines 14-18, Page 11, line 25 to Page 12, line 2, and Fig.1. Upon entry of this amendment, claims 1-13 are pending, of which claims 1, 6, 11, and 12 are independent. Applicants respectfully submit that the pending claims define over the art of record.

Claim Rejection Under 35 U.S.C. §102

Claims 1-5 and 12

Claims 1-5 and 12 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent No. 6,844,100 to Bourgeois et al. (hereafter “Bourgeois”).

Applicants submit herewith a certified English translation of the priority document to perfect the priority claim. See MPEP 706.02(b). The Bourgeois reference is hence disqualified as a prior art reference because the earliest U.S. priority date for the Bourgeois reference is August 27, 2002, which is after the earliest priority date June 26, 2002 of the present application.

Claims 6-11

Claims 6-11 are rejected under 35 U.S.C. §102(b) as being anticipated by JP 11-312531 to Kogami et al. (hereafter “Kogami”). Applicants respectfully submit that the Kogami reference fails to disclose the limitation of passing a fuel gas and an oxygen-containing gas in opposite directions through the reactant passages, as recited in amended independent claim 6. Applicants respectfully submit that the Kogami reference fails to disclose the limitation of an oxygen-containing gas adjusting mechanism connected to the oxygen-containing gas outlet/inlet passage for controlling the flow rate and direction of said oxygen-containing gas, as recited in amended independent claim 11.

The Kogami reference teaches a fuel cell system having three fuel cell stacks with varying operating temperatures. See Abstract. The Kogami reference further discloses in Fig. 2

that the fuel gas and oxygen-containing gas flow in the same direction from high temperature fuel cell to low temperature fuel cell. The Kogami reference also discloses that in Fig. 10 that fuel gas in fuel gas passage 5a and oxygen-containing gas in oxidant gas passage 5b flow in the same direction along their respective electrodes. In contrast, amended claim 6 requires the limitation of a fuel gas and an oxygen-containing gas in opposite directions through the reactant passages. See also Page 11, line 25 to Page 12, line 2, and Fig.1.

In addition, the Kogami reference does not disclose an oxygen-containing gas adjusting mechanism for controlling the flow rate and flow direction of the oxygen-containing gas at least in the oxygen-containing gas outlet/inlet passage connecting the first stack and the second stack, as required by amended independent claim 11. The Kogami reference discloses that the flow rate and the flow direction of the oxygen-containing gas is controlled only when supplied to the first fuel cell stack 11a positioned on the upstream of the three fuel cell stacks, and not between the fuel cell stacks. See paragraphs 36 and 37. In other words, the Kogami reference does not disclose an oxygen-containing gas adjusting mechanism for controlling the oxygen-containing gas flowing between the first and second stacks, where the oxygen-containing gas adjusting mechanism is connected to the oxygen-containing gas outlet/inlet passage connecting an oxygen-containing gas passage from the first stack with an oxygen-containing gas passage from the second stack, as required by claim 11.

Applicants respectfully submit that the Kogami reference fails to disclose each and every element and limitation of independent claim 6. Applicants respectfully request the Examiner reconsider and withdraw the rejection of claim 6.

Applicants note that the dependent claims also recite separate patentable subject matter. As such, for this and the reasons set forth above, the dependent claims also define over the art of record.

New Claim

New claim 13 depends on independent claim 11. Applicants note that claim 13 also recites patentable subject matter. As such, for this and the reasons set forth above, claim 13 also defines over the art of record.


CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants submit herewith a Request for Continued Examination. Applicants believe no other fee is due with this statement. However, if additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. TOW-030RCE2 from which the undersigned is authorized to draw.

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Respectfully submitted,

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